

**MONTANA TRAIL VEHICLE RIDERS ASSOCIATION (MTVRA) IS PROPOSING A NEW LAW THAT WOULD REQUIRE CHILDREN YOUNGER THAN 16 TO PASS AN ATV/OHV SAFETY TRAINING COURSE IN ORDER TO RIDE AN ATV/OHV FOR RECREATIONAL USE ON PUBLIC LANDS IN MONTANA.**

**WHY DO WE NEED MANDATORY OHV SAFETY TRAINING FOR KIDS YOUNGER THAN 16?**

According to current Consumer Product Safety Commission (CPSC) data, 89 ATV related deaths have occurred in Montana between 1982 and 2010. 15 of the ATV related deaths were kids under 16. Nearly all of the ATV related deaths in Montana could have been prevented had the ATV operators followed the ASI Golden Rules of ATV Safety, which are taught in both the ASI Hands-on ATV Safety Course and the free on-line E-course. In addition, all OHV safety programs include training on appropriate ethics that apply to OHV recreation.

Currently, under Montana law, the only requirement to have an ATV/OHM safety training certificate is for kids between the ages of 12 to 15 to use a road or right-of-way designated for use by OHVs while accompanied by a licensed driver. Consequently, far fewer than ten percent of Montana OHV riders have taken an ATV safety course.

**WHAT THE NEW LAW WOULD DO:**

- Require kids younger than 16 years of age to complete either a nationally recognized hands-on or on-line OHV safety course, or a course approved by Montana State Parks and Recreation, to ride an OHV for recreational uses on public lands or public easements managed for OHV use by a public land management agency.

**WHAT THE NEW LAW WOULD NOT DO:**

- The new law will not apply to OHV use on private lands.
- The new law will not apply to the use of OHVs for agricultural purposes on private or public lands (i.e. the management of grazing leases on public lands).

**WHY IS THIS LAW REASONABLE NOW?**

Prior to 2012 hands-on OHV safety courses were only available in Montana through certified ASI instructors. There are a limited number of instructors distributed across Montana. The classes are limited in size to eight students and are offered periodically by each instructor. A fee of \$150 per student is charged or, the rider may receive a course voucher with the purchase of a new ATV. In addition to the cost it can also mean a significant commitment of travel and time to attend the course.

Starting in 2012 the ASI created a free on-line ATV Safety E-course that is available to anyone. The course can be completed in about 2 – 2 ½ hours and can be taken all at once or in shorter sessions. After completion, a certificate is issued to the student.

**IS THIS JUST MORE RED TAPE FOR THE PUBLIC?**

While it is true that it will require kids and some parents to invest their time to obtain a certificate, it can be done at no cost to the student or the state of Montana. We can also compare this requirement to the highly successful requirement for kids to obtain a hunters safety certificate in order to hunt in Montana. Both programs have similar goals:

- Improve safety of the activity to prevent accidents and deaths.
- Improve ethics of the participants to ensure opportunities are available in the future.

#### **WILL A NEW LAW BE AN ADDED BURDEN TO ENFORCEMENT OFFICIALS?**

MT FW&P Wardens already enforce requirements for all OHVs to display decals. The new law would be enforced simultaneously with the existing decal requirement. MT FW&P currently receives approximately 11% of the OHV decal registration fees for enforcement. The added workload of asking for proof of an OHV safety certificate during routine stops is minor.

#### **EXAMPLES OF NATIONALLY RECOGNIZED COURSES**

ATV Safety Institute (ASI) Hands-on ATV Safety Course  
(ASI) Free On-Line E Course  
Motorcycle Safety Foundation (MSF) Dirt Bike School